

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

DONALD MOELLER,

Plaintiff,

v.

CIV 04-4200

DOUGLAS WEBER, Warden, South Dakota State Penitentiary, **DENNIS KAEMINGK**, Secretary of the South Dakota Department of Corrections in his official capacity, and **DOES 1-20**, unknown employees or agents of the South Dakota Department of Corrections,

Defendants.

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**DEFENDANTS' NOTICE RE: UNSEALING SELECT DOCUMENTS,
STATUS REPORT, AND RENEWED MOTION TO EXPAND
PROTECTIVE ORDER**

Defendants Douglas Weber, Dennis Kaemingk, and Does 1-20, by and through their counsel, Paul S. Swedlund, Assistant Attorney General for the State of South Dakota, file this notice re: unsealing of select documents, status report, and renewed motion to expand protective order.

1. Defendants have resumed their review of sealed documents and have determined that the following documents require no redaction and can be unsealed without risk of divulging protected information: SEALED DOCKETS 301, 307, 309, 310, 311, 315, 316, 317, 318, 318-1, 319, 320, 323, 325, 329, 330, 330-1, 336, 337, 339, 341, 341-1, 342, 343, 345, 346, 347, 350, 352, 354, 355, and 358.
2. Defendants had completed their review of sealed documents and had blacked out protected information. Defendants will supply the court with suggested redactions after they re-review clean copies of the documents and bracket in red the suggested redactions. Defendants have nearly completed re-

compiling a clerk-stamped clean set of documents and expect to complete the task of red-bracketing shortly.

3. Defendants renew their motion to bring plaintiff's expert Mark Shinaberry within the scope of the protective order. Shinaberry supplied an affidavit herein which is filed under seal as SEALED DOCKET 328-17. Because Shinaberry's affidavit requires redaction, and though his affidavit and its contents are currently subject to protection, he should be brought formally within the constraints of the court's protective order prior to unsealing.

Dated this 4th day of October 2013.

Respectfully submitted,

**MARTY J. JACKLEY
ATTORNEY GENERAL
STATE OF SOUTH DAKOTA**


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